

000727

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE) 110

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services3. DATE: 11/20
August 17, 2007

4. SUBJECT:

Sewer, Water, Drainage and Public Utility Easement Vacations

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)

G. Bollenbach Ext. 65417 MS 501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)

Anne Hoppe Ext. 65290 MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	9/24/07	4	DEPUTY CHIEF	<i>[Signature]</i>	9/28/07
2	EAS	<i>[Signature]</i>	9/25/07	5	CITY ATTORNEY	<i>[Signature]</i>	10/31/07
3	LIAISON OFFICE	<i>[Signature]</i>	9/28/07	6	ORIG. DEPT	<i>[Signature]</i>	10/31/07
					DOCKET COORD:	<i>[Signature]</i>	COUNCIL LIAISON <i>[Signature]</i>
					COUNCIL PRESIDENT <i>[Signature]</i>	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	COUNCIL DATE: 11/20/07
					<input type="checkbox"/> REFER TO:		

11. PREPARATION OF: ☒ RESOLUTIONS ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

1. Authorizing the vacation of an unneeded sewer, water, drainage and public utility easements in Lot 6 of City of San Diego Industrial Park Unit No. 1 Map No. 3978 and in Lot 8 of City of San Diego Industrial Park Unit No. 2 Map No. 4133 as shown on Engineering Drawing No. 20685-B.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 6

COMMUNITY AREA(S): KEARNY MESA

ENVIRONMENTAL IMPACT: THIS ACTION IS EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15305

HOUSING IMPACT: NONE

OTHER ISSUES: NONE

ATTACHMENTS: VICINITY MAP, 20685-B, LEGAL DESCRIPTION

WORK ORDER NO. 427613 PTS NO. 126479

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 17, 2007

REPORT NO.: N/A

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services

SUBJECT: Sewer, water, drainage and public utility easement vacations

COUNCIL DISTRICT(S): 6

STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval of the vacation of an unneeded sewer, water, drainage and public utility easement in Lot 6 of San Diego Industrial Park Unit No. 1, Map No. 3978 and in Lot 8 of City of San Diego Industrial Park Unit No. 2, Map No. 4113

STAFF RECOMMENDATION:

Approve the easement vacation

EXECUTIVE SUMMARY:

This project is located in the Kearny Mesa Community Plan area, south of Balboa Avenue between Kearny Villa Road and Ruffin Road. This project consists of vacating sewer, water, drainage and public utility easements that were granted at no cost to the City. These easements are over five years old and have not been used for the purpose for which they were dedicated. Drainage and grading plans as shown on Engineering Drawing No.34617-D have been submitted for the development of the lots, and show no need for the easements. There is no present or prospective public use of the existing easements in their present locations.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

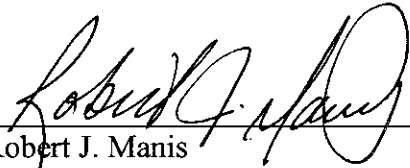
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action

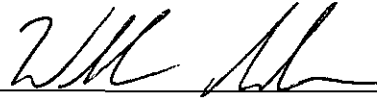
000730

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Kyocera International, Inc.

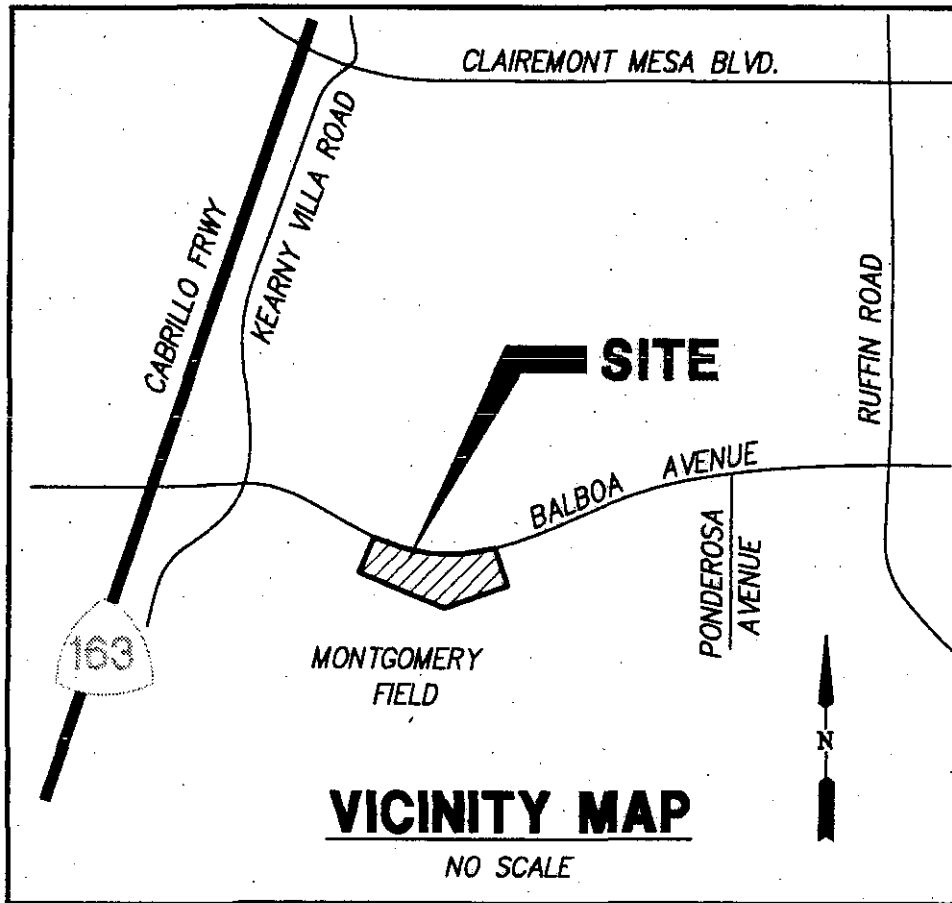


Robert J. Manis
Deputy Director
Entitlement Division-
Development Services



William Anderson
Interim Deputy Chief of Land Use and
Economic Development

SEWER, WATER, DRAINAGE AND
PUBLIC UTILITY
EASEMENT VACATION

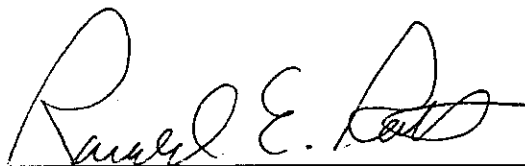


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EXHIBIT 'A'
LEGAL DESCRIPTION
FOR

SEWER, WATER, DRAINAGE AND PUBLIC UTILITY EASEMENT VACATION

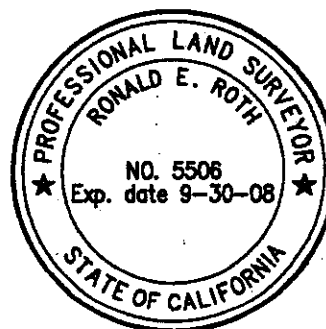
ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER, WATER, DRAINAGE AND PUBLIC UTILITY EASEMENT LYING PARALLEL WITH THE EASTERLY LINE OF LOT 6 GRANTED TO THE CITY OF SAN DIEGO PER CITY OF SAN DIEGO INDUSTRIAL PARK, UNIT NO. 1, MAP NO. 3978; TOGETHER WITH ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER, WATER, DRAINAGE AND PUBLIC UTILITY EASEMENT LYING PARALLEL WITH WESTERLY LINE OF LOT 8 GRANTED TO THE CITY OF SAN DIEGO PER CITY OF SAN DIEGO INDUSTRIAL PARK, UNIT NO. 2, MAP NO. 4113, ALL IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.



RONALD E. ROTH, PLS 5506
(MY LICENSE EXPIRES 09-30-08)

06/13/07
DATE:

P.T.S. 126479
J.O. 427613
DWG. NO. 20685-B



000733

ASSESSOR'S PARCEL NO.'S

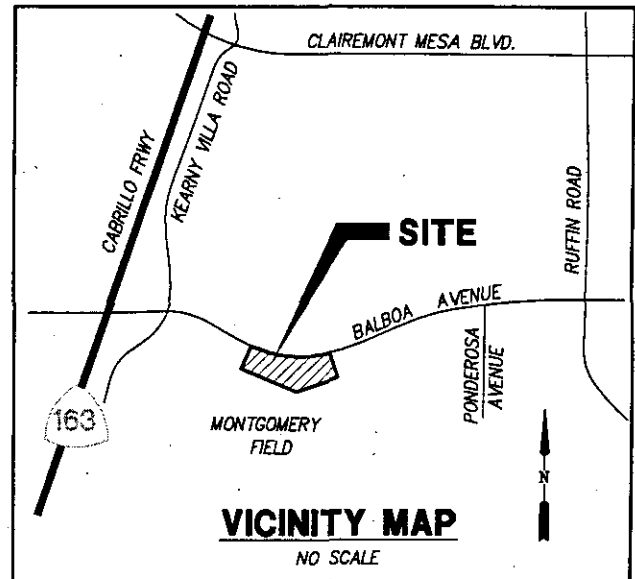
369-150-11 369-140-12

REFERENCE DRAWINGS

MAP NO. 3978 AND 4113



INDICATES SEWER, WATER, DRAINAGE AND
PUBLIC UTILITY EASEMENT GRANTED PER
MAPS 3978 AND 4113 VACATED



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey

701 E Street, Suite 200
San Diego, CA 92101
619.238.6471 Tel
619.238.0248 Fax

Ronald E. Roth
RONALD E. ROTH P.L.S. 5506
MY REGISTRATION EXPIRES 9-30-2008

06/12/07

DATE

VACATION OF SEWER, WATER, DRAINAGE AND PUBLIC UTILITY EASEMENTS

IN LOT 6 OF CITY OF SAN DIEGO INDUSTRIAL
PARK, UNIT NO. 1; MAP NO. 3978 AND
IN LOT 8 OF CITY OF SAN DIEGO INDUSTRIAL
PARK, UNIT NO. 2, MAP NO. 4113

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	PDC			
	✓	JGM	7/10/07	

CITY OF SAN DIEGO, CALIFORNIA

SHEET 1 OF 2 SHEETS

FOR CITY ENGINEER

P.T.S. 126479

J.O. NO. 427613

1878-6285

NAD '83 COORDINATES

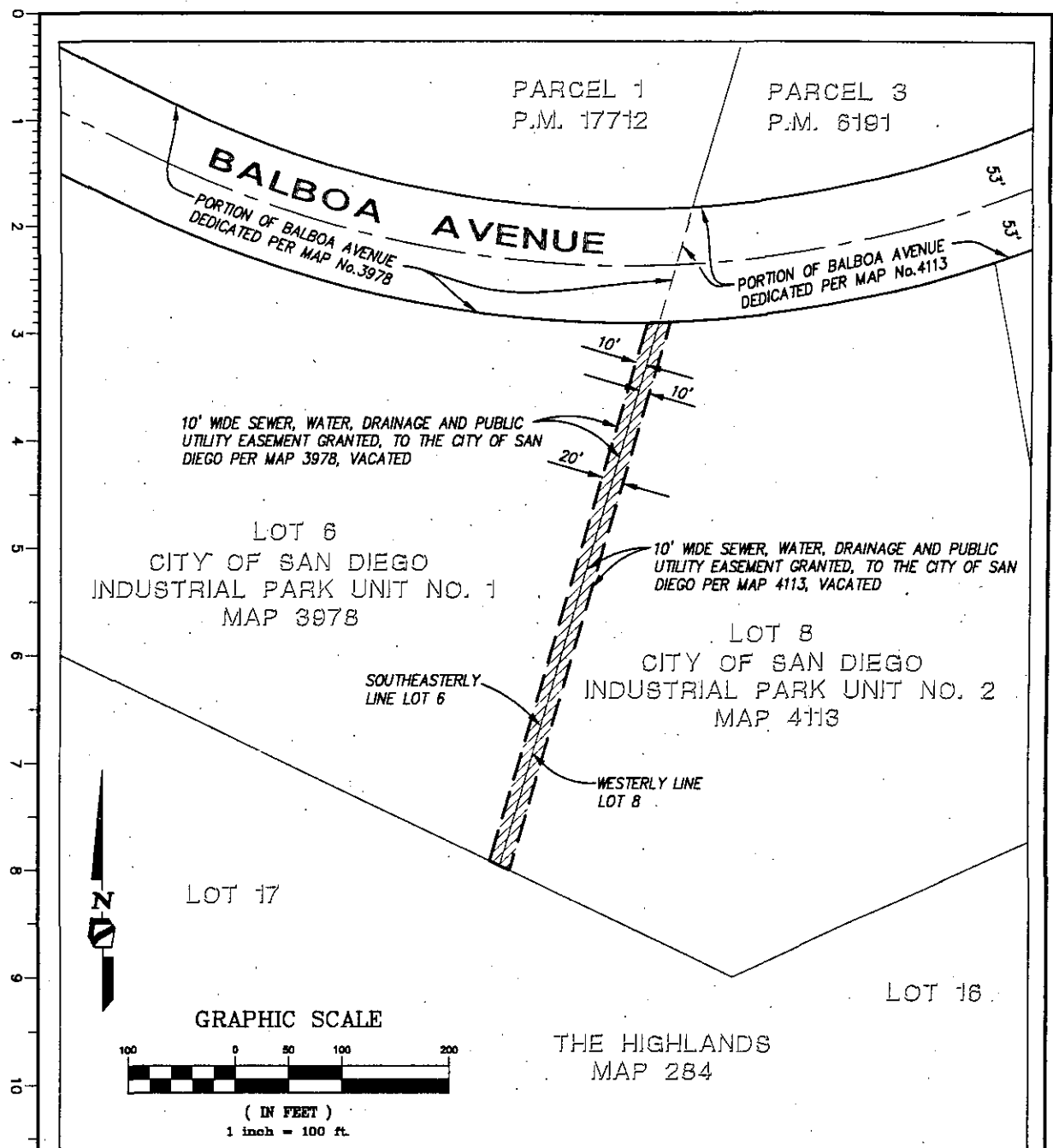
238-1725

LAMBERT COORDINATES

20685-B

EXHIBIT B

000734



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey

201 S. Street, Suite 202
San Diego, CA 92101
(619) 336-0471 Tel
(619) 336-0349 Fax

Ronald E. Roth
RONALD E. ROTH P.L.S. 5506
MY REGISTRATION EXPIRES 9-30-2008

06/12/07

DATE

**VACATION OF SEWER,
WATER, DRAINAGE AND
PUBLIC UTILITY EASEMENTS**

IN LOT 6 OF CITY OF SAN DIEGO INDUSTRIAL
PARK, UNIT NO. 1, MAP NO. 3978 AND
IN LOT 8 OF CITY OF SAN DIEGO INDUSTRIAL
PARK, UNIT NO. 2, MAP NO. 4113

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	PDC			

CITY OF SAN DIEGO, CALIFORNIA

SHEET 2 OF 2 SHEETS

[Signature] 17 JUL 07
FOR CITY ENGINEER DATE

EXHIBIT B

P.T.S. 126479

NO. 427613

1878-6285

NAD '83 COORDINATES

238-1725

LAMBERT COORDINATES

20685-B

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides for the summary abandonment easements by City Council resolution where the easements to be vacated have not been used for the purpose for which they were dedicated or acquired for five consecutive years prior to the proposed vacation and there are no other public facilities located within the easements; and

WHEREAS, the affected property owners have requested the vacation of the unnecessary sewer, water, drainage and public utility easements in Lot 6 of City of San Diego Industrial Park Unit No. 1, Map No. 3978 and in Lot 8 of City of San Diego Industrial Park Unit No. 2, Map No. 4113 as depicted on Engineering Drawing No. 20685-B, to unencumber their property; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the sewer, water, drainage and public utility easements, either for the purpose for which they were originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the vacation through improved utilization of land made available by the abandonment; and

(c) the vacation is consistent with the General Plan or an approved Community Plan; and

(d) the public facility or purpose for which the easements were originally acquired will not be detrimentally affected by this vacation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the sewer, water, drainage and public utility easements located within Lot 6 of City of San Diego Industrial Park, Unit No. 1, Map No. 3978 and in Lot 8 of City of San Diego Industrial Park, Unit No. 2, Map No. 4113, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20685-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, are ordered vacated.

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel Lipsky
Rachel Lipsky
Deputy City Attorney

RL:pev:mm

10/31/07

Or.Dept:DSD

R-2008-289

MMS #5396

EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04